

Albuquerque, NM

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS**

ST. CATHERINE HEALTHCARE AND
REHABILITATION CENTER, LLC

Employer

and

Case 28-RC-6661

DISTRICT 1199NM NATIONAL UNION OF
HOSPITAL AND HEALTHCARE EMPLOYEES,
AFSCME, AFL-CIO

Petitioner

**DECISION, ORDER,
AND
CERTIFICATION OF REPRESENTATIVE**

The National Labor Relations Board has considered objections and a determinative challenged ballot in an election conducted on June 19, 2009, and the Administrative Law Judge's Report dated September 28 and the Administrative Law Judge's Supplemental Report dated February 24, 2010¹, recommending disposition of it. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 29 votes cast for and 29 votes cast against the participating labor organization with 1 challenged ballot, a sufficient number to affect the results.

¹ By Order dated February 1, 2010 the Board issued a Decision and Order Remanding the proceeding to the judge for the issuance of a supplemental report.

On October 13, 2009 and March 3, 2010 counsel for the Employer e-filed exceptions and brief in support to the administrative law judge's decision and supplemental decision respectively.

On September 7, 2010, counsels for the Employer and Union e-filed a Joint Motion to Withdraw Objections, Exceptions to the Administrative Law Judge's Report on Challenged Ballot and Objections, and Exceptions to the Administrative Law Judge's Supplemental Report.

IT IS ORDERED that the aforementioned Employer's and Union's joint motion to withdraw is granted.

As no exceptions to the Administrative Law Judge's Report and Supplemental Report remain, the Board adopts the Administrative Law Judge's findings and recommendations, and finds that a certification of representative should be issued.²

CERTIFICATION REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for District 1199NM National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO, and it is the exclusive collective- bargaining representative of the employees in the following appropriate unit:

All full-time, regular part-time and PRN Certified Nursing Assistants, Certified Medical Assistants, Environmental Services Assistants, Activity Assistants, Maintenance Assistant, Dietary Assistants, and Social Services Assistant employed by the Employer at its facility located in Albuquerque, New Mexico; excluding all other employees including all PRN pool employees not employed by the Employer, agency employees,

² During the tally of the ballots on the day of the election, the Board agent initially voided a ballot because, based on markings on the ballot, the agent could not determine the intent of the voter. The Petitioner's representative challenged that determination and the ballot was counted as a challenged ballot in the original tally. The Administrative Law Judge determined the disputed ballot was a "Yes" vote. Thus, the revised tally of ballots indicates that 30 votes were cast for and 29 against the Petitioner with no challenged or void ballots.

Nurses, Maintenance Director, Medical Records Assistant, office clerical and administrative employees, confidential employees, professional employees, managers, guards, and supervisors as defined in the Act.

Dated, Washington, D.C., September 16, 2010.

By direction of the Board:

Richard D. Hardick

Associate Executive Secretary